

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
AUGUST 21, 2001**

**CALL TO ORDER**

The 1868<sup>th</sup> meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King  
Larry Lancaster

Jeff Marshall  
Brian Newman

Staff present:

Gary Firestone,  
City Attorney  
Alice Rouyer,  
Planning Director

Dennis Lively,  
City Engineer  
JoAnn Herrigel,  
Program Specialist

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

**Mayor Bernard** read the list of consent agenda items:

- A. City Council Minutes of August 6 & 7, 2001;**
- B. Public Access Studio Operator Contract;**
- C. Intergovernmental Agreement with Clackamas County Service District #1 for City Share of Kellogg Treatment Plant Improvements; and**
- D. Purchase Orders for Inspection Services with Happy Valley and Consulting Services with Crandall Arambula**

**Councilor Lancaster** removed items C & D for discussion.

**It was moved by Councilor King and seconded by Councilor Marshall to adopt consent agenda items A & B. Motion passed unanimously.**

**AUDIENCE PARTICIPATION**

**Sherri Stockam**, 5622 SE Willow Street, Milwaukie. She presented a petition signed by Lewelling neighborhood residents concerned with development-related traffic. Residents believe this is a very dangerous situation considering the proximity of the elementary school and new park and are requesting speed humps and stop signs to slow traffic. Neighbors have contacted the Traffic Safety Board (TSB) and police department to express their concerns, but the problem persists.

**Councilor Marshall** commented part of the problem might rest with the fact part of this area is unincorporated.

**Councilor Lancaster** added the TSB makes recommendations based on the adopted traffic management plan and suggested Stockam ask that this issue be prioritized.

**Joe Stockman**, 5612 SE Willow Street, Milwaukie. He expressed frustration because he has tried to get the City Council to do something about the traffic situation for years.

**Mayor Bernard** will forward the petition to the TSB and ask the group to address the request as soon as possible. He understood the preferred neighborhood options to be stop signs, marked pedestrian crosswalks, and/or speed humps.

## **PUBLIC HEARING**

### **Zoning Ordinance Amendment to Allow Limited Accessory Retail Uses in the Business Industrial (BI) Zone; File No. ZA-01-01 -- Ordinance**

**Mayor Bernard** called the public hearing on the legislative zoning ordinance amendment initiated by the City of Milwaukie to order at 6:15 p.m.

The purpose of this hearing was to consider an ordinance to adopt proposed amendments to the Zoning Ordinance that would allow for limited accessory retail uses in the business industrial zone. **Mayor Bernard** reviewed the conduct of the hearing.

Conflicts of Interest and Challenges: None.

Staff Report: **Rouyer** presented the staff report in which the City Council was requested to adopt an ordinance amending the zoning ordinance by allowing limited accessory retail uses in the business industrial zone. Bob's Red Mill, for example, has approached the City about expanding its operations in the BI zone to include a small retail outlet. Other cities in the Metro area allow this type of use in a limited way.

The language was drafted to ensure retail uses were limited to those products manufactured at the site in order to preserve land for industrial manufacturing purposes. Retail use would be allowed in the same building and could occupy up to 25% of the floor space or 4,000 square feet, whichever is less. A standalone retail establishment is not permitted. The standards outlined are in the existing code and are general statements.

Correspondence: None.

Testimony in Support of the Proposal: None.

Neutral Testimony: None.

Testimony in Opposition to the Proposal: None.

Staff Comments: None.

Close Public Hearing: **Mayor Bernard** closed the public testimony portion of the hearing at 6:25 p.m.

Council Decision:

**It was moved by Councilor Newman and seconded by Councilor King to read the ordinance amending the zoning ordinance to allow for limited accessory retail uses in the business industrial zone for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance amending the zoning ordinance to allow for limited accessory retail uses in the business industrial zone for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilor Lancaster and seconded by Councilor Newman to adopt the ordinance amending the zoning ordinance to allow for limited accessory retail uses in the business industrial zone. Motion passed unanimously.**

**ORDINANCE NO. 1891:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADDING MUNICIPAL CODE SECTION 19.32.A.4 TO ALLOW FOR LIMITED ACCESSORY RETAIL USES IN THE BUSINESS INDUSTRIAL (BI) ZONE. (FILE #ZA-01-01)**

**OTHER BUSINESS**

**Expedited Annexation for Property Located at 10040 SE Stanley Avenue; File No. An-01-02 -- Ordinance**

**Rouyer and Ken Martin**, contract staff for annexations, provided the staff report. This proposed annexation involves a 1-acre lot with one existing house and one that is to be built. The owners agreed to annex in exchange for a sewer hook-up.

**It was moved by Councilor Newman and seconded by Councilor Lancaster to read the ordinance annexing a certain tract of land into the Milwaukie City limits for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilor Lancaster and seconded by Councilor King to read the ordinance annexing a certain tract of land into the Milwaukie City limits for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilor King and seconded by Councilor Lancaster to adopt the ordinance annexing a certain tract of land into the Milwaukie City limits. Motion passed unanimously.**

**ORDINANCE NO. 1892:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE ANNEXING A CERTAIN TRACT OF LAND INTO THE CITY LIMITS OF THE CITY OF MILWAUKIE AND WITHDRAWING THE TRACT FROM TERRITORY OF CLACKAMAS COUNTY R.F.P.D. #1, CLACKAMAS RIVER WATER, CLACKAMAS COUNTY SERVICE DISTRICT FOR ENHANCED LAW ENFORCEMENT, AND CLACKAMAS COUNTY SERVICE DISTRICT NO. 5 FOR STREET LIGHTS.**

**Council Communications Agreement**

**It was moved by Councilor King and seconded by Councilor Lancaster to adopt the Council Communications Agreement. Motion passed unanimously.**

**Riverfront Board Appointment**

**Mayor Bernard, with Council consensus, appointed Mike Stacey to the vacant position on the Riverfront Board.**

**Purchase Order with Crandall Arambula**

**Councilor Lancaster** asked how many hours of service Crandall Arambula was providing for \$35,000.

**Rouyer** said Crandall Arambula's work is ongoing and includes implementation of the downtown plan, support on the Downtown Design Guidelines, Safeway site redevelopment, and McLoughlin Boulevard reconstruction. Typically, a scope of work details the tasks to be completed, estimated hours, the staff person responsible for the work, and the hourly rate, so it is difficult to pinpoint a specific number of hours.

**IGA with Clackamas Service District**

**Councilor Lancaster** referred to the staff report which stated during Clackamas Service District's (CCSD #1) audit it was discovered Milwaukie owed in excess of \$2 million and asked how this happened.

**Lively** said capital and operating costs are allocated to all treatment facility users. After making payments of \$950,000 and \$700,000, former Community Development Director Bennett negotiated for a 5-year repayment of the balance.

**Councilor Lancaster** asked if there was any assurance the allocation was accurate and that Milwaukie was not being overcharged. He asked if Milwaukie had done its own analysis.

**Lively** said Bennett's notes indicate she reviewed the information and reached an agreement with CCSD #1 in March.

**Firestone** added he had discussions with Bennett in March and understood the numbers did match the formula.

**Councilor Lancaster** and **Councilor Marshall** agreed it was important for Milwaukie to make its own verification in these situations.

**Lively** spoke with Bennett and CCSD #1 about cost distribution, and his review found the results were mathematically correct.

**Councilor Lancaster** wants to ensure base rate is correct and revisit the cost allocations.

**It was moved by Councilor Newman and seconded by Councilor King to approve the Crandall Arambula purchase order in the amount of \$35,000 and the intergovernmental agreement with CCSD#1 for city share of Kellogg Treatment Plant improvements. Motion passed unanimously.**

## **INFORMATION**

### **Citizen Correspondence**

**Mayor Bernard** will contact the citizen who wrote that moving the transit center away from the downtown would be detrimental.

### **Grant Award**

**Rouyer** announced the State of Oregon Transportation and Growth Management (TGM) program awarded the City of Milwaukie a \$100,000 grant for a land use and transportation study in the north industrial area. A combination of economic, engineering, and planning consultants will be involved in the study. There may also be a link with the transit study. It may be appropriate to bring on a county staff person as a member of the technical review team.

**Councilor Newman** hoped the outcome included specific funding recommendations for public improvements.

**Councilor King** stressed the importance of traffic standards and neighborhood safety and livability.

**Mayor Bernard** announced the City Council would meet in executive session pursuant to ORS 192.660 to consult with legal counsel.

**ADJOURNMENT**

**It was moved by Councilor Newman and seconded by Councilor King to adjourn the meeting. Motion passed unanimously.**

**Mayor Bernard** adjourned the meeting at 6:50 p.m.

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Pat DuVal, Recorder